

ADAMS, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEJUAN BROWN,

Defendant.

) CASE NOS. 1:14CR58
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)
) Judge John R. Adams
)
) ORDER
)

Pending before the Court is Defendant Dejuan Brown's motion for compassionate release and its supplements. Docs. 167, 172, and 176. The Government has opposed the motion, and Brown has replied in support. Upon review, the motion and supplements are DENIED.

Within the COVID-19 backdrop, the Sixth Circuit explained this Court's duties and obligations when considering a motion for compassionate release as follows:

"In resolving those motions, district courts now face two questions: (1) whether extraordinary and compelling circumstances merit a sentence reduction; and (2) whether the applicable § 3553(a) factors warrant such a reduction. A third consideration, the § 1B1.13 policy statement, is no longer a requirement courts must address in ruling on defendant-filed motions." *Hampton*, 985 F.3d at 531. To that end, district courts need not confine themselves to evaluating "extraordinary and compelling reasons" as defined by the Sentencing Commission in the § 1B1.13 policy statement. *Elias*, 984 F.3d at 519.

United States v. Montero, 842 F. App'x 1007, 1008 (6th Cir. 2021). "A district court has 'full discretion' in determining whether an extraordinary and compelling reason justifies compassionate release." *Id.* at 1009.

For over a year now, courts have routinely found that the COVID-19 pandemic, when

coupled with other health concerns, has constituted an extraordinary and compelling reason justifying further consideration of a motion for compassionate release. At the same time, the Sixth Circuit has noted that a district court does not abuse its discretion when denying a motion with the prison facility at issue has no positive cases. *See United States v. Elias*, 984 F.3d 516, 521 (6th Cir. 2021) (finding that it was not an abuse of discretion to deny compassionate release when Alderson had no reported cases and therefore only presented a speculative risk to the movant).

Herein, Brown is currently housed at Forrest City Medium FCI, a facility that currently has only one positive cases within its inmate population. Accordingly, despite Brown's medical conditions, the conditions at his facility present only a speculative risk to him.¹ Accordingly, the motion for compassionate release and its supplements are DENIED.

IT IS SO ORDERED.

June 7, 2021
Date

/s/John R. Adams
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE

¹ The Court notes that a full review of the § 3553(a) factors would also support denial of this motion. Brown served as the lookout and getaway driver for an armed robbery with full knowledge that firearms would be utilized. Moreover, at the time of sentencing, Brown was sentenced below the advisory guideline range. Further reduction of his sentence would not fulfill the goals of sentencing, including specific deterrence.